

SHARPE PRITCHARD<sup>®</sup>

## HS2 Bill- Buckinghamshire Summit

The Select Committee Process

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## Committee website

- See link at end
- Has links to useful documents, including information about appearances, transcripts of hearings
- You can sign up for email updates from Parliament

## Watching the proceedings

- Attending in person: best way to see how the committee works
- Watching on the internet: see link at end
- Reading the transcripts

## The Committee

- Robert Syms (chairman): Poole (Con)
- Henry Bellingham: NW Norfolk (Con)
- Sir Peter Bottomley: Worthing W (Con)
- Ian Mearns: Gateshead (Lab)
- Yasmin Qureshi: Bolton SE (Lab)
- Mike Thornton: Eastleigh (LD)

## Committee members

- Early days, but points to note:
  - Quorum is 3, and that means members may come in and out: so far absences have not been high
  - Varying level of questioning between members has been demonstrated, but they have asked a good number of well-informed questions

## The Clerk

- The clerk is Neil Caulfield, assisted by Miguel Boo Fraga
- Advises the committee on procedure
- Will advise petitioners on procedure to some degree
- Channel of communications to committee
- Sits with the committee

## Other key people

- Tim Mould QC: counsel for the promoter (plus a team)
- HS2 witnesses
- Winckworth Sherwood and Eversheds: the two firms of agents acting for the promoter
- David Walker of Winckworth Sherwood: primary contact for programming

## Order of proceedings

- Geographical order, starting at Birmingham City Centre
- Staffordshire due on 14 October
- Then Warwickshire and all points south
- Buckinghamshire: unlikely to be until new year

## Order of proceedings

- We will generally hear local authorities first within each locality, in the following order: county councils, then district and unitary councils, then parish and town councils, followed by community groups, other public bodies, businesses, and then individuals.”
- You may find that on the day there is some waiting around – but be there in good time. You may find that you are put off to a later date if other cases run on

## Notice of hearing

- “The Committee strongly encourages the agents for HS2 to arrange the petition programme to allow for at least four weeks’ notice of hearings to petitioners, unless there are exceptional reasons for not giving such notice.”
- Before then, Winckworth Sherwood (probably David Walker) will contact petitioners to discuss dates

## Availability

- “Petitioners with particular difficulties about certain dates should certainly have their needs accommodated, but there is a duty on petitioners and their representatives to make themselves available, subject to reasonable allowance being made for other considerations. We do, however, expect particular consideration to be given by Mr Walker to the needs of disabled and otherwise disadvantaged petitioners.”

## Time estimates

- David Walker should ask for a time estimate from petitioners and it will be transmitted to the committee. Petitioners may need to justify requests for long time periods
- The committee is beginning to “load the programme”

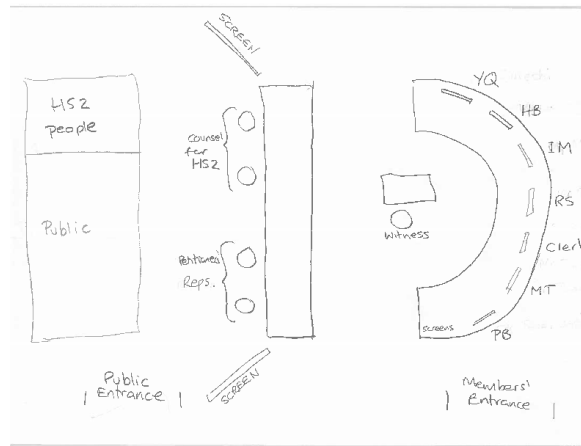
## Sitting times

- Mondays: 2.00-5.00 and 7.00-9.00 (and beyond)
- Tuesdays: 9.30-12.30 and 2.00-5.00
- Wednesdays: 9.30-11.30 and 2.00-5.00
- Thursdays: 9.30-12.30

## Committee Room 5

- Located in main building – no advance notice needed to enter, but give plenty of time for security
- Members sit at a horseshoe table, parties face them, public sit behind the parties
- Members and public have screens for displaying documents

## Committee room layout



## Etiquette

- Participants are not expected to stand when addressing the committee
- Addressing members as “sir”, “madam”, “Mr X” etc is acceptable
- Quasi-judicial role: the committee should not be approached informally or outside the room, and submissions should not be sent to the members directly
- Dress appropriately
- Don't be late



## Should an appearance be made at all?

- The committee will not read the petition of a petitioner who does not appear
- Therefore, if they want their views to be made known, petitioners should appear on their petition, or lend support to another petitioner who does appear (eg by letter of support or appearing as a witness or presenting a joint case)

## Order of proceedings: scenario 1: no evidence called by petitioner

- Counsel for promoters may make brief introductory remarks (unless petitioner objects)
- Petitioner (or representative) makes statement to the committee (referring to documents, if any)
- Committee may ask questions (during or after the statement)
- Counsel for promoters respond and may be questioned by committee
- Petitioner (or representative) responds

## Order of proceedings: scenario 2: evidence called by petitioner

- Witnesses sworn in/affirmed by clerk
- Counsel for promoter may make brief introductory remarks (unless petitioner objects)
- Petitioner (or representative) makes brief opening remarks and calls witnesses (referring to documents, if any)
- Committee may ask questions (during or after the giving of evidence) and counsel may cross-examine each witness. Petitioner may re-examine on points raised
- Counsel for promoter may call evidence (but does not have to): procedure as above
- Counsel for promoter sums up and may be questioned by committee
- Petitioner (or representative) responds and may be questioned by committee

## Presentation tips

- “The Committee will take time to hear and understand petitioners’ arguments. However, unnecessarily lengthy argument on either side will be deprecated, as will reading out of speeches without good reason. Petitioners should feel free to include in their evidence a summary of their arguments, of no more than two pages. If they do, they can assume the Committee will have read it and that there will be no need to expand on it in the hearing.” (Committee guidance note)

## Presentation tips

- Committee is unlikely to be impressed with:
  - Repetition
  - Waffle
  - Aggressiveness to HS2 or (especially) to the committee
  - Complaining without explaining what remedy is sought from the committee
  - Pulling rabbits out of the hat: do not come forward with new engineering solutions at the last minute
  - Bombardment of correspondence

## Presentation tips

- Committee is likely to be impressed with:
  - Concise delivery of the key points: choose your battles carefully – you don't have to fight every point
  - Joint presentations
  - Interesting and informative exhibits and evidence
  - Individuals making their own cases

## An intimidating experience?

- Committee has shown already that they will treat petitioners fairly and with respect
- Committee likely to put petitioners without professional representation at their ease
- But don't turn up late.....

## Early preparation

- Never too early to begin preparation (see evidence preparation later)
- Petition Response Document should be received at least 4 weeks before the appearance
- Any exhibits to be given to committee should be sent to HS2 no later than two working days in advance of the appearance, along with names of witnesses and person who will present the case (rule applies to HS2 as well)

## Petition response document

- Response to each paragraph of the petition
- Quite detailed, but likely to be in standard form, referring to information papers
- Study the information papers – they are important

## Common issues

- “Where a series of petitions addresses related issues, the Committee will invite the second and subsequent petitioners to say whether they wish to make points not already addressed by the first petitioner. These petitioners will be asked to address only those further points, unless there are exceptional reasons. Petitioners choosing not to speak will be deemed for formal purposes to have appeared, provided they or their agent are present in the room and identify themselves.” (Committee guidance note)

## Joint cases

- The committee will appreciate petitioners with similar concerns clubbing together and making a joint appearance through one spokesperson (with or without evidence in support)

## Committee decisions

- Decisions unlikely to be announced at the end of each case
- Encouragement may be given to HS2/petitioners to resolve concerns and report back
- Some “big ticket” decisions may be made early, particularly those requiring additional provisions
- Other decisions likely to be left to the end or at recesses but indications given some may come sooner
- Government may respond: and may not agree